

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**DAN MEAD and JENNIFER MEAD,**

*Plaintiffs,*

v.

**ROCKFORD PUBLIC SCHOOL  
DISTRICT; ROCKFORD PUBLIC  
SCHOOLS' BOARD OF  
EDUCATION,**

*Defendants.*

Case No. 1:23-cv-01313

Honorable Paul L. Maloney

Magistrate Judge Ray Kent

**PLAINTIFFS' SUPPLEMENTAL RESPONSE TO  
ROCKFORD'S NOTICE OF SUPPLEMENTAL AUTHORITY**

By treating Dan and Jennifer Mead's daughter as a boy without telling them, the Rockford Public School District violated the Meads' free-exercise rights, fundamental parental rights, and due-process rights, as the complaint describes. (ECF No. 1, PageID.35-43.) That's why Rockford was wrong to rely on a recent free-speech decision in its September 5 notice of supplemental authority. (ECF No. 29, PageID.208-210 (citing *Parents Defending Educ. v. Olentangy Local Sch. Dist. Bd. of Educ.*, 109 F.4th 453 (6th Cir. 2024)).) As the Meads explained, the panel decision in *Olentangy* doesn't support Rockford's motion to dismiss. (ECF No. 30, PageID.211-213.) The Meads offer this supplemental response to inform the Court that the Sixth Circuit has now vacated that panel decision and granted rehearing en banc. *Olentangy*, No. 23-3630, 2024 WL 4647888 (6th Cir. Nov. 1, 2024), ECF No. 132-2 (attached as Exhibit A). Because of the differences between this case and *Olentangy*, however, there's no need to wait on the en banc Sixth Circuit's decision. The Meads respectfully request that the Court deny Rockford's motion to dismiss and allow this nearly year-old case to proceed to discovery.

Dated: November 5, 2024

Respectfully submitted,

/s/ Katherine L. Anderson

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### **CERTIFICATE OF SERVICE**

I certify that on November 5, 2024, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record for all parties.

/s/ Katherine L. Anderson

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